

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

CHARLES CRAMES

AFFIDAVIT OF MAILING
OF NOTICE OF DECISION
BY (CERTIFIED) MAIL

For a Redetermination of a Deficiency or
a Refund of Unincorporated Business :
Taxes under Article ~~(s)~~ 23 of the :
Tax Law for the Year ~~(s)~~ 1965 :

State of New York
County of Albany

JANET MACK

, being duly sworn, deposes and says that

she is an employee of the Department of Taxation and Finance, over 18 years of

age, and that on the 20th day of May , 1975 , she served the within

Notice of Decision ~~(xx) Determination~~ by (certified) mail upon Charles Crammes

~~(representative of)~~ the petitioner in the within

proceeding, by enclosing a true copy thereof in a securely sealed postpaid

wrapper addressed as follows: Mr. Charles Crammes

71 Stevenson Street

Lynbrook, New York 11563

and by depositing same enclosed in a postpaid properly addressed wrapper in a

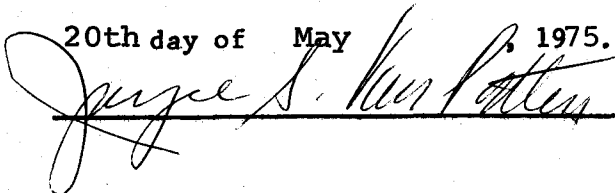
(post office or official depository) under the exclusive care and custody of

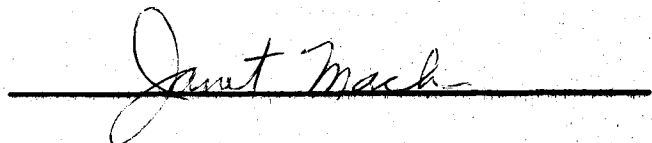
the United States Post Office Department within the State of New York.

That deponent further says that the said addressee is the ~~(representative of)~~
~~xx~~ petitioner herein and that the address set forth on said wrapper is the last
known address of the ~~(representative of the)~~ petitioner.

Sworn to before me this

20th day of May , 1975.





STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

CHARLES CRAMES

For a Redetermination of a Deficiency or
a Refund of Unincorporated Business :
Taxes under Article (g) 23 of the
Tax Law for the Year (x) 1965 :

AFFIDAVIT OF MAILING
OF NOTICE OF DECISION
BY (CERTIFIED) MAIL

State of New York
County of Albany

JANET MACK

, being duly sworn, deposes and says that

she is an employee of the Department of Taxation and Finance, over 18 years of
age, and that on the 20th day of May , 1975, she served the within

Notice of Decision (~~xx Determination~~) by (certified) mail upon Bernard H. Romanoff,

C.P.A.

(representative of) the petitioner in the within

proceeding, by enclosing a true copy thereof in a securely sealed postpaid

wrapper addressed as follows: Bernard H. Romanoff, C.P.A.

127-12 Cronston Avenue

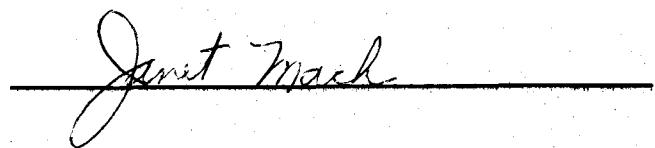
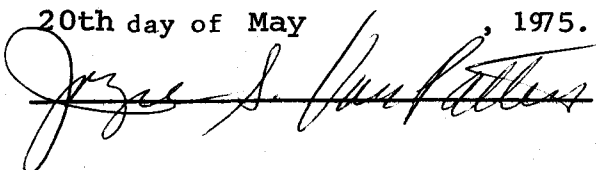
Belle Harbor, New York 11694

and by depositing same enclosed in a postpaid properly addressed wrapper in a
(post office or official depository) under the exclusive care and custody of
the United States Post Office Department within the State of New York.

That deponent further says that the said addressee is the (representative
of) petitioner herein and that the address set forth on said wrapper is the last
known address of the (representative of the) petitioner.

Sworn to before me this

20th day of May , 1975.





STATE OF NEW YORK
DEPARTMENT OF TAXATION AND FINANCE

BUILDING 9, ROOM 214A

STATE CAMPUS

ALBANY, N. Y. 12226

AREA CODE 518

457-2655, 6, 7

STATE TAX COMMISSION

James H. Tully, Jr.

~~NORMAN F. GILMAN~~

A. BRUCE MANLEY

MILTON KOERNER

STATE TAX COMMISSION

HEARING UNIT

EDWARD ROOK

SECRETARY TO
COMMISSION

ADDRESS YOUR REPLY TO

DATED: Albany, New York
May 20, 1975

Mr. Charles Cramos
71 Stevenson Street
Lynbrook, New York 11563

Dear Mr. Cramos:

Please take notice of the **DECISION**
of the State Tax Commission enclosed herewith.

Please take further notice that pursuant to
Section (~~§~~ **722**) of the Tax Law, any
proceeding in court to review an adverse deci-
sion must be commenced within **4 months**
from the date of this notice.

Any inquiries concerning the computation of tax
due or refund allowed in accordance with this
decision or concerning any other matter relative
hereto may be addressed to the undersigned.
These will be referred to the proper party for
reply.

Very truly yours,

Nigel G. Wright
HEARING OFFICER

Enc.

cc: Petitioner's Representative
Law Bureau

STATE OF NEW YORK

STATE TAX COMMISSION

In the Matter of the Petition	:	
of	:	
CHARLES CRAMES	:	DECISION
for a Redetermination of a Deficiency or		
for Refund of Unincorporated Business	:	
Taxes under Article 23 of the Tax Law		
for the Year 1965.	:	

Charles Crames, 71 Stevenson Street, Lynbrook, New York 11563, filed a petition for the redetermination of a deficiency in unincorporated business tax for the year 1965 under Article 23 of the Tax Law. (File No. 46023881.)

Said deficiency was asserted by a notice dated November 24, 1969, and is in the amount of \$728.29 plus interest of \$157.65 for a total of \$885.94.

A hearing was duly held on November 18, 1974, at the offices of the State Tax Commission, Two World Trade Center, New York, New York, before Nigel G. Wright, Hearing Officer. The petitioner was represented by Bernard H. Romanoff, C.P.A. of Nassau County. The Income Tax Bureau was represented by Saul Heckelman, Esq. appearing by Alexander Weiss, Esq.

The record of said hearing has been duly examined and considered.

ISSUE

The issue in this case is whether petitioner, an outside salesman, is an independent contractor and so subject to the unincorporated business tax.

FINDINGS OF FACT

1. Petitioner in 1965 was an outside salesman representing Wonderknit Corp. located at 112 West 34 Street, New York City, and with a mill in Galax, Virginia. Wonderknit manufactures sweaters.

2. Petitioner sold in a territory covering New York State, Ohio and Pennsylvania. He traveled about eight months of each year. He used his own car on these trips. His customers were department stores and specialty shops.

3. Petitioner was paid on a straight commission basis with no guaranty. He paid his own traveling expenses which amounted to about 40% of his receipts and was not reimbursed for said expenses.

4. Petitioner's compensation was paid to him without withholding of taxes or social security. He paid estimated taxes and self-employment taxes. Although he was covered by health insurance and a group life insurance policy, there is no evidence that these were restricted to employees. He was not covered for workmen's compensation or for unemployment insurance.

5. Petitioner, when he was not traveling, would report to the New York City showroom of Wonderknit and answer customer inquiries and take orders. At times he would travel to the company's mill, at their expense, to aid in the design of new fabrics.

6. Petitioner's agreement with Wonderknit leaves him the right to represent other lines. However, Wonderknit claims that if he did so then petitioner's territory would probably have to be reduced to insure adequate coverage.

7. Petitioner maintained a room in his house where he had a desk and did paper work in connection with his sales work.

CONCLUSIONS OF LAW

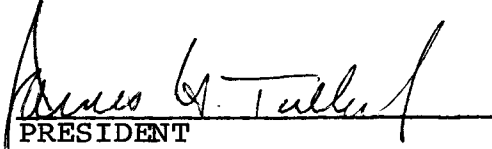
The petitioner is an independent contractor. He is subject to tax.

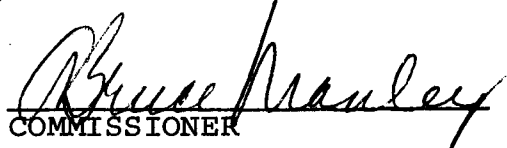
The deficiency is correct and is found to be due together with such interest as shall be computed under section 684 of the Tax Law.

DATED: Albany, New York

May 20, 1975

STATE TAX COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER